aforesaid, and the aforesaid Hugh M'Bryde, William M'Bryde, and Charles Phillipshill by their Attorney aforesaid affiled their Declaration in the Plea aforesaid against the aforesaid Custis Kellum in manner and form following, towit, ——— Dorchester County; towit. Custis Kellum late of Dorchester County Mariner was attached to answer unto Hugh M'Bryde, William M'Bryde and Charles Phillipshill of a plea of Trespass upon the Case and so forth — And Whereupon the same Hugh M'Bryde, William M'Bryde and Charles Phillipshill by Robert Goldsborough their Attorney complain that whereas they the said Hugh M'Bryde, William M'Bryde, Charles Phillipshill and a certain John Craig deceased (whom the said Hugh, William and Charles have survived) on the sixteenth day of July in the year seventeen hundred and seventy eight at Dorchester County aforesaid were proprietors and owners of a certain Boat or vessel called a Schooner and being so, they the said Hugh, William, Charles and John in his lifetime afterwards on the same day and year aforesaid at the County aforesaid at the special instance and request of the aforesaid Custis Kellum, retained and employed him the said Custis in the service of them the said Hugh, William, Charles and John; to be Captain Master or Commander of the said Vessel and to receive and take on board thereof from them the said Hugh, William, Charles and John the quantity of sixty four Hogsheads of Tobacco of them the said Hugh, William, Charles and John of the value of two hundred thousand pounds, and fifteen hundred and fifty Hogsheads staves of them of the value of fifty thousand pounds current money, and to carry, transport and convey the same Tobacco and Staves in the said vessel from this State of Maryland to Bourdeaux in the Kingdom of France, and at Bourdeaux to deliver the same tobacco and staves to a certain Robert Craig, for certain wages, hire or reward to be therefor paid by the said Hugh, William, Charles and John to the said Custis Kellum as Captain and Master of the said Vessel, and altho' the said Custis afterwards on the twenty seventh day of August in the year aforesaid at the County aforesaid in the State of Maryland aforesaid (he being then and there Captain and Master of the said vessel did receive and take on board the same vessel from them the said Hugh M'Bryde William M'Bryde Charles Phillipshill and John Craig in his life time (by the name of Hugh M'Bryde and Phillipshill and Company) the said sixty four hogsheads of Tobacco and fifteen hundred and fifty staves aforesaid of them the said Hugh, William, Charles

and John and afterwards on the same day and year last aforesaid did set sail and depart with the said Vessel and the Tobacco and Staves aforesaid from the State of Maryland aforesaid and did proceed with the same to sea; yet the said Custis Kellum, not regarding the duty of his employment, so badly, carelessly, negligently and improvidently behaved himself in his said employment and took such little and such bad care of the said Vessel and the said tobacco and Staves so by him received as aforesaid; that the said Custis did not carry, transport and convey in the said Vessel or otherwise the said sixty four Hogsheads of Tobacco and the Staves aforesaid or any part thereof to Bourdeaux in France, and did not deliver the same tobacco and the staves aforesaid or any part thereof to the said Robert Craig at Bourdeaux or elsewhere (altho' often requested so to do) but the said Custis Kellum on the contrary thereof afterwards towit on the thirtieth day of September in the year aforesaid by and through his own mere neglect and default and by and through his carelessness mismanagement and improvidence did suffer and cause the said Vessel and the said sixty four hogsheads of Tobacco and the Staves aforesaid and every part thereof while the same were and continued in his possession, care and custody for such carriage as aforesaid and while he continued Captain and Master of the said vessel as aforesaid to be taken at sea (towit at Dorchester County aforesaid) by the Enemies of this State and the United States of America, towit by an English Privateer called the fox prize the Captain and Company whereof were at the time of such Capture subjects of the King of Great Britain who then was and still is at open war with this State and the united States of America, whereby the said Hugh, William, Charles and John in his life time and the said Hugh, William and Charles since the death of the said John have totally lost and been deprived of the said Vessel and the said sixty four hogsheads of tobacco and the Staves aforesaid and of every part thereof — And also whereas they the said Hugh, William, Charles and John in his life time on the aforesaid sixteenth day of July in the year seventeen hundred and seventy eight at Dorchester County aforesaid were proprietors and owners of a certain other boat or vessel called a Schooner, and being so, they the said Hugh, William, Charles and John in his life time afterwards on the same day and year aforesaid at the County aforesaid at the special instance and request of the aforesaid custis Kellum retained and employed him the said Custis in the service of them the said Hugh, William, Charles and John to be Captain Master or Commander of the said last mentioned vessel, and to